UPDATED INFORMATIVE DIGEST

(Policy Statement Overview)

Proposed Amendments to Section 699.5. Fees for Lake and Streambed Alteration Agreements:

Existing law allows the Department to charge a fee for the issuance of a Lake or Streambed Alteration Agreement. Sections 699.5(b), (c), (e), (f), (i), (j), and (k) specify fees which are subject to annual price adjustments in accordance with FGC Section 713. These fees have not been adjusted since 2009. The Department proposes to apply the annual price index for the four years 2010, 2011, 2012, and 2013 to these fees resulting in an amended fee schedule. Doing so will increase the fees in the fee schedule by approximately 9.5%.

Sections 699.5(d) and (g) include fees which as of July 1, 2013, are no longer chargeable to timber applicants by the Department because of Public Resources Code Section 4629.6(c). These fees will be deleted. The following statement is proposed to be added in both sections to reflect this change: "Pursuant to Public Resources Code section 4629.6, subdivision (c), no fee shall be required if the department received the notification after July 1, 2013. This includes a notification made to the department pursuant to Fish and Game Code section 1602 or section 1611."

BENEFITS OF THE PROPOSED ACTION:

The Department needs to adjust the fees specified in Section 699.5 for inflation in order to recover the total costs it incurs to administer and enforce Section 1600 et seq. If the Department does not adjust the fees, it will experience a budget shortfall that will affect its ability to administer and enforce the regulations, the purpose of which is to protect and conserve the state's fish and wildlife resources

The Department does not anticipate benefits to the protection of worker safety, the prevention of discrimination, the promotion of fairness or social equity, or to the increase in openness and transparency in business and government. The Department anticipates nonmonetary benefits to the health and welfare of California residents through the protection of the state's aquatic and riparian habitats and the fish and wildlife resources that depend on them.

The Department anticipates benefits to the environment. It is the policy of this state to encourage the conservation and maintenance of lakes and streams, and the fish and wildlife resources that depend on aquatic and riparian habitats, for their use and enjoyment by the public. The fee increases included in this rulemaking will enable the Department to recover its costs to administer and enforce Section 1600 *et seq*.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

The Department has reviewed Title 14, CCR, and determined that the proposed amendments to Section 699.5 are neither inconsistent nor incompatible with existing state regulations.

UPDATE:

Action taken by the Department of Fish and Wildlife following the Public Hearing of October 8, 2013:

After the 45 day comment period a Public Hearing was held as described in the Notice of Public Hearing. After considering the written and oral comments received from interested parties, the Department has decided to adopt the originally proposed text and fees as described in the Notice, with an effective date of January 1, 2014.